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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,063	03/29/2005	Hozumi Takeo	2986-0131PUS1	1375

2292 7590 02/26/2007
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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT	PAPER NUMBER
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3637

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/26/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/26/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/509,063	TAKEO ET AL.	
	Examiner	Art Unit	
	Timothy M. Ayres	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/24/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This is a first office action on the merits of application SN 10/509,063.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sheet fastener and a hook of claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. A sheet fastener or a hook is not disclosed or shown in the specification and one of ordinary skill in the art would not understand what or how to attach to the sub mirror.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what the coupling member includes due to the "or". If the phrase is meant to be a Markush type claim then the applicant should use the appropriate phrasing such as a "wherein a simple coupling has at least one component selected from the group of a magnet, a sheet fastener, and a hook" or similar such language as specified in MPEP.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 8 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,396,249 to Aisley. Aisley teaches a makeup mirror unit with a wash and makeup stand as clearly seen in figure 1. The cabinet has a center mirror (11). Left and right sub mirrors (30) are hinged to the cabinet via frames (15,35,36). Even though the frames are hinged to the cabinet on the outside edges of the cabinet body this portion is still considered near the main mirror. As seen in figures 6-9, the mirrors are considered to be matching since they are in identical positions with respect to a centerline. Also the structure is considered capable of placing the side ends of the sub mirrors adjacent to each other when placed in front of the center mirror. As seen in figure 9, the mirrors are fully rotated from the frames and the frames are fully rotated from the cabinet. If the frames were rotated back towards their closed position while keeping the mirrors fully rotated then the side edges of the mirrors would become adjacent to each other. As seen in figure 6 the sub mirrors are in the range of $1/2$ - $2/3$ the width of the main mirror. The vertical member (36) is near the center of rotation of the frame and sub mirror about the cabinet. A seat (20) of a hinge is attached to the cabinet to allow the frame to rotate with respect to the cabinet. A seat (27) is attached to the back of the sub mirror to

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allow it to rotate with respect to the frame. The seats (18,17) are integrally formed in the frame.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,396,249 to Aisley as applied to claims 8 and 11-16 above, and further in view of US Design Patent 403,907 to Kato. Aisley disclose every element that is claimed and discussed above except a rack portion on the backside of the sub mirrors. Kato teaches a medicine cabinet with a mirrored door as seen in figure 2. As seen in figure 1 and 4 the back of the mirror has a thin rack portion to hold small bathroom items. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the mirror assembly of Aisley by adding a rack portion to the back of the sub mirrors to hold small bathroom items.

9. Claim 8 and 11-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent JP 58-12615 in view of US Patent 4,396,249 to Aisley. In the embodiment in figure 11 the Japanese Patent teaches a tripe mirror arrangement with a

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main mirror (2) and left and right sub mirrors (5). The sub mirrors are attached to the cabinet via a frame (4). The frame (4) is attached to the cabinet and pivoted about pivot (8) which is immediately adjacent to an edge of the main mirror (2). The other end of the frame (4) is attached to the sub mirror (5) and pivoted about pivot (9). As clearly seen in figure 11b, the sub mirror (5) is pivoted such that is towards center front of the main mirror. As best understood from the figure the left sub mirror with frame would be capable of being put in the same position. The sub mirrors have a width within the range of $1/2$ - $2/3$ the width of the main mirror. The Japanese Patent does not expressly disclose a wash and makeup stand and the specific hinge/seat structure as claimed. Aisley teaches a makeup mirror unit with a wash and makeup stand as clearly seen in figure 1. The cabinet has a center mirror (11). Left and right sub mirrors (30) are hinged to the cabinet via frames (15,35,36). The vertical member (36) is near the center of rotation of the frame and sub mirror about the cabinet. A seat (20) of a hinge is attached to the cabinet to allow the frame to rotate with respect to the cabinet. A seat (27) is attached to the back of the sub mirror to allow it to rotate with respect to the frame. The seats (18,17) are integrally formed in the frame. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the cabinet of the Japanese Patent by adding a wash and makeup stand to the structure to allow a place to wash and use makeup and change to the frame structure as taught by Aisley for aesthetics and manufacturing reasons.

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10. Claims 9, 10, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent JP 58-12615 in view of US Patent 4,396,249 to Aisley as applied to claims 8 and 11-16 above, and further in view of US Design Patent 403,907 to Kato. Japanese Patent in view of Aisley discloses every element that is claimed and discussed above except a rack portion on the backside of the sub mirrors. Kato teaches a medicine cabinet with a mirrored door as seen in figure 2. As seen in figure 1 and 4 the back of the mirror has a thin rack portion to hold small bathroom items. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the mirror assembly of Japanese Patent in view of Aisley by adding a rack portion to the back of the sub mirrors to hold small bathroom items. In regards to claim 10, Aisley teaches a main mirror that rotates with a compartment behind. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the cabinet of Japanese Patent in view of Aisley and Kato by making the main mirror rotate with a compartment behind to add more storage space.

Conclusion

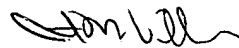
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TMA
2/14/07


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PRIMARY EXAMINER
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